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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **Four Twenty Club Water System**
 Water System No. 1503392

TO: Tim Halbwachs, Board Member
 Four Twenty Club
 P.O. Box 5112
 Bakersfield, CA 93388

BY REGISTERED MAIL

**CITATION FOR NONCOMPLIANCE -- Water System No. 1503392
TOTAL COLIFORM MCL VIOLATION – May 2013
BACTERIOLOGICAL MONITORING & REPORTING VIOLATION – June 2013
Citation No. 03-19-13C-040**

Issued on July 18, 2013

STATEMENT OF FACTS

Four Twenty Club Water System (hereinafter Water System) is classified as a transient non-community water system and serves a transient population of approximately 200 persons through one service connection. The Water System has one active source of supply, Well 01 (PS Code: 1503392-001) and one 500-gallon pressure tank. No treatment is provided to the well water. The Water System operates under the authority of a domestic water supply permit (No. 03-19-01P-002), issued on June 27, 2001, by the California Department of Health Services (now California Department of Public Health).

The Southern California Drinking Water Field Operations Branch, Division of Drinking Water and Environmental Management, California Department of Public

1 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking
2 Water Act and regulations promulgated pursuant thereto.

- 3
- 4 • The Water System is required to collect one (1) routine bacteriological sample
5 per quarter. Please refer to the Water System's approved Bacteriological
6 Sample Siting Plan (BSSP) or Table 64423-A.
- 7 • One (1) routine bacteriological quality sample collected on April 19, 2013,
8 from the distribution system, tested positive for total coliform bacteria.
- 9 • All three (3) repeat samples collected on April 24, 2013, from the distribution
10 system tested negative for total coliform bacteria.
- 11 • One (1) repeat sample collected on April 24, 2013, from Well 01 (also counted
12 towards the Ground Water Rule's trigger source sampling requirement) tested
13 negative for total coliform bacteria.
- 14 • **Repeat samples were not collected within 24 hours of being notified of the**
15 **total coliform positive result [Section 64424(a), *Authorities*].**
- 16 • The Water System did not fail the total coliform maximum contaminant level
17 (MCL) for the month of April 2013.
- 18 • Due to one total coliform positive sample in April 2013, the Water System was
19 required to collect five routine bacteriological samples in May 2013.
- 20 • Five (5) routine bacteriological quality samples were collected on May 13,
21 2013, from the distribution system. Two (2) out of these five (5) routine
22 samples tested positive for total coliform bacteria.
- 23 • To help clear bacteriological contamination from the distribution system, the
24 Water System flushed the distribution system and collected another set of five
25 (5) repeat samples on May 14, 2013, from the distribution system and all five
26 (5) samples tested negative for total coliform bacteria.
- 27

- 1 • No source sample was collected in May 2013, to comply with the Ground
2 Water Rule's requirement of triggered source sample, following a routine total
3 coliform positive sample in the distribution system. **The Water System failed**
4 **to comply with the Ground Water Rule [Section 64430, Addendum**
5 **Section 141.402, *Authorities*].**
- 6 • None of the bacteriological quality samples collected in April 2013 or May
7 2013 from the distribution system or Well 01, tested positive for *E.coli*
8 bacteria.
- 9 • **Four Twenty Club Water System failed the total coliform MCL for May**
10 **2013 [Section 64426.1(b)(2), *Authorities*].**
- 11 • On May 16, 2013, Michael Kochanski from the Water System met with the
12 Department staff and notified that the Water System failed the total coliform
13 MCL for May 2013.
- 14 • On June 4, 2013, public notice and Proof of Notification forms were emailed to
15 the Water System, for the May 2013 total coliform MCL violation. After the
16 Water System notified the Department of the correct email address, these
17 documents were emailed again to the Water System on July 6, 2013.
- 18 • On July 11, 2013 the Department received signed and dated copies of the
19 public notice and Proof of Notification from the Water System in response to
20 the May 2013 total coliform MCL failure.
- 21 • On June 4, 2013, a blank investigation report form was emailed to the Water
22 System for the May 2013 total coliform MCL failure.
- 23 • On July 12, 2013, the Department received a completed investigation report in
24 response to the May 2013 total coliform MCL failure. The investigation report
25 was completed by McMor Chlorination, the Water System's contract sampler.
26 The investigation report did not identify any cause of bacteriological
27

contamination in May 2013. Based on the Department staff's discussions with the Water System personnel and McMor Chlorination staff, the total coliform positive samples may be contributed to inadequate flushing of the sampling taps prior to collection of samples.

- Results of all bacteriological samples collected from January 2013 to May 2013 are summarized in **Attachment A**.
- Due to the total coliform MCL violation in May 2013, the Water System was required to collect five routine bacteriological samples in June 2013.
- The Water System failed to comply with the bacteriological monitoring requirements in June 2013, and did not collect any routine bacteriological sample in June 2013 [**Section 64423(a)(3), Authorities**].
- In accordance with Section 64463.4(a)(2) of Title 22, CCR, the Water System will be required to provide Tier 2 public notification of the bacteriological monitoring and reporting violation in June 2013. Public notification to the persons served by the Water System may be provided by using the template provided as **Attachment B**. Proof of notification of the public notification is also required. The Water System may use **Attachment C** to provide this information to the Department.

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

"(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section."...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

“(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation.”

Section 116655 of the CHSC, states in relevant part:

“(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(2) That purification or treatment works be installed.”

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

“(a) Each water supplier shall collect routine bacteriological water samples as follows:

(1) The minimum number of samples for community water systems shall be based on the known population served or the total number of service connections, whichever results in the greater number of samples, as shown in Table 64423-A. A community water system using groundwater which serves 25-1000 persons may request from the Department a reduction in monitoring frequency. The minimum reduced frequency shall not be less than one sample per quarter.

(2) The minimum number of samples for nontransient-noncommunity water systems shall be based on the known population served as shown in Table 64423-A during those months when the system is operating. A nontransient-noncommunity water system using groundwater which serves 25-1000 persons may request from the Department a reduction in monitoring frequency if it has not violated the

requirements in this article during the past twelve months. The minimum reduced frequency shall not be less than one sample per quarter.

(3) The minimum number of samples for transient-noncommunity water systems using groundwater and serving 1000 or fewer persons a month shall be one in each calendar quarter during which the system provides water to the public.

(4) The minimum number of samples for transient-noncommunity water systems using groundwater and serving more than 1000 persons during any month shall be based on the known population served as shown in Table 64423-A, except that the water supplier may request from the Department a reduction in monitoring for any month the system serves 1000 persons or fewer. The minimum reduced frequency shall not be less than one sample in each calendar quarter during which the system provides water to the public.

(5) The minimum number of samples for transient-noncommunity water systems using approved surface water shall be based on the population served as shown in Table 64423-A. A system using groundwater under the direct influence of surface water shall begin monitoring at this frequency by the end of the sixth month after the Department has designated the source to be approved surface water.

(6) A public water system shall collect samples at regular time intervals throughout the month, except that a system using groundwater which serves 4,900 persons or fewer may collect all required samples on a single day if they are taken from different sites.

(b) In addition to the minimum sampling requirements, all water suppliers using approved surface water which do not practice treatment in compliance with Sections 64650 through 64666, shall collect a minimum of one sample before or at the first service connection each day during which the turbidity level of the water delivered to the system exceeds 1 NTU. The sample shall be collected within 24 hours of the exceedance and shall be analyzed for total coliforms. If the water supplier is unable to collect and/or analyze the sample within the 24-hour time period because of extenuating circumstances beyond its control, the supplier shall notify the Department within the 24-hour time period and may request an extension. Sample results shall be included in determining compliance with the MCL for total coliforms in §64426.1.

(c) If any routine, repeat, or replacement sample is total coliform-positive, then the water supplier shall collect repeat samples in accordance with §64424 and comply with the reporting requirements specified in Sections 64426 and 64426.1."

Table 64423-A

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64424 establishes the repeat sampling requirements, and states in relevant part:

(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Department allow the collection of the repeat sample set over a four-day period.

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

(2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within the 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the Department within 24 hours. The Department will then determine how much time the supplier will have to collect the repeat samples.

(b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream unless there is no upstream and/or downstream service connection.

(c) If one or more samples in the repeat sample set is total-coliform positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in 64426.1 has been exceeded and notifies the Department.

(d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total-coliform positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the Department waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative. To request a waiver, one of the following conditions shall be met:

(1) The Department conducts site visit before the end of the next month the system provides water to the public to determine whether additional monitoring and/or corrective action is necessary to protect public health.

(2) The Department determines why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. If a waiver is granted, a system shall collect at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with 64426.1."

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

(1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or

(2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or

(3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

(4) Any repeat sample following a fecal coliform-positive or *E. coli*-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

CCR, Title 22 Section 64430, Addendum Section 141.402 establishes the California Ground Water Rule and states in relevant part:

"(a) Triggered source water monitoring —

(1) General requirements. A ground water system must conduct triggered source water monitoring if the conditions identified in paragraphs (a)(1)(i) and (a)(1)(ii) of this section exist.

(i) The system does not provide at least 4-log treatment of viruses (using inactivation, removal, or a State-approved combination of 4-log virus inactivation and removal) before or at the first customer for each ground water source; and

(ii) The system is notified that a sample collected under 22 California Code of Regulations sections 64422 and 64423 is total coliform-positive and the sample is not invalidated under 22 California Code of Regulations section 64425.

"(2) Sampling requirements. A ground water system must collect, within 24 hours of notification of the total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected under 22 California Code of Regulations sections 64422 and 64423, except as provided in paragraph (a)(2)(ii) of this section.

(i) The State may extend the 24-hour time limit on a case-by-case basis if the system cannot collect the ground water source water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the State must specify how much time the system has to collect the sample.

(ii) If approved by the State, systems with more than one ground water source may meet the requirements of this paragraph (a)(2) by sampling a representative ground water source or sources. If directed by the State, systems must submit for State approval a triggered source water monitoring plan that identifies one or more ground water sources that are representative of each monitoring site in the system's sample siting plan under 22 California Code of Regulations sections 64422 and 64423 and that the system intends to use for representative sampling under this paragraph.

(iii) A ground water system serving 1,000 people or fewer may use a repeat sample collected from a ground water source to meet both the requirements of 22 California Code of Regulations section 64424 and to satisfy the monitoring requirements of paragraph (a)(2) of this section for that ground water source only if the State approves the use of *E. coli* as a fecal indicator for source water monitoring under this paragraph (a). If the repeat sample collected from the ground water source is *E. coli* positive, the system must comply with paragraph (a)(3) of this section."

CCR, Title 22, Section 64463.4 establishes the Tier 2 public notification requirements and states in relevant part:

"(a) A water system shall give public notice pursuant to this section if any of the following occurs:

(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

(A) Where a Tier 1 public notice is required under section 64463.1; or

(B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the Department as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;

2. Posting in conspicuous public places served by the water system, or on the Internet; or

3. Delivery to community organizations.

(2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;

2. E-mail message to employees or students;

3. Posting on the Internet or intranet; or

4. Direct delivery to each customer."

CCR, Title 22, Section 64463.7 establishes the Tier 3 public notification requirements and states in relevant part:

"(a) Each water system shall give public notice pursuant to this section if any of the following occurs:

- (1) Monitoring violations;
- (2) Failure to comply with a testing procedure, except where a Tier 1 public notice is required pursuant to section 64463.1 or the Department determines that a Tier 2 public notice is required pursuant to section 64463.4; or
- (3) Operation under a variance or exemption.

(b) Each water system shall give the public notice within one year after it learns of the violation or begins operating under a variance or exemption.

(1) The water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other occurrence continues.

(2) Posted public notices shall remain in place for as long as the violation, variance, exemption, or other occurrence continues, but in no case less than seven days.

(3) Instead of individual Tier 3 public notices, a water system may use an annual report detailing all violations and occurrences for the previous twelve months, as long as the water system meets the frequency requirements specified in this subsection.

(c) Each water system shall deliver the notice in a manner designed to reach persons served within the required time period, as follows:

(1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
 2. Posting in conspicuous public places served by the water system, or on the Internet;
- or

3. Delivery to community organizations.

(2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

(d) Community and nontransient-noncommunity water systems may use the Consumer Confidence Report pursuant to sections 64480 through 64483, to meet the initial and repeat Tier 3 public notice requirements in subsection 64463.7(b), as long as the Report meets the following:

- (1) Is given no later than one year after the water system learns of the violation or occurrence;
- (2) Includes the content specified in section 64465; and
- (3) Is distributed pursuant to paragraph (b)(1) and (2) or subsection (c)."

DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the Department determines that the Four Twenty Club Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2): Specifically, the Water System violated the total coliform MCL for May 2013 when more than one sample collected in May 2013 tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64430: Specifically, the Water System violated the Ground Water Rule by failing to sample the system well during repeat sampling of the May 2013 total coliform MCL failure.
3. CCR, Title 22, Section 64424(d): Specifically, during the month of June 2013, the Water System failed to collect the required five (5) routine bacteriological quality samples from the distribution system.

The above violations are classified as non-continuing violations.

DIRECTIVES

Four Twenty Club Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64424(d), 64426.1(b)(2), and 64430 of Title 22, California Code of Regulations (CCR).
2. In the future, whenever a routine total coliform positive sample is collected from the distribution system, the following month, five (5) routine distribution samples shall be collected.

- 1 3. In the future, the Water System shall comply with the Ground Water Rule
2 requirements by collecting a source sample in follow-up to a routine total
3 coliform positive sample(s).
- 4
- 5 4. In the future, the Water System shall collect five (5) routine bacteriological
6 samples following a month with one or more routine total coliform positive
7 samples. **The next routine bacteriological sample shall be collected before**
8 **July 31, 2013, if not already collected.**
- 9
- 10 5. **Before July 31, 2013, the Water System shall collect a bacteriological**
11 **sample from Well 01.**
- 12
- 13 6. **By July 31, 2013,** the Water System shall notify the persons served by the
14 Water System of the bacteriological monitoring and reporting violation in June
15 2013 using **Attachment B**. The public notice shall remain posted as long as
16 the violation or occurrence continues, but in no case less than seven days.
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- 18
- 19 7. No later than **August 10, 2013,** the Water System shall submit a copy of the
20 signed and dated Proof of Notification (**Attachment C**) to the Department.
- 21
- 22 8. Notify the Department within five business days of the date of service of this
23 Citation if the deadlines established by this Citation will not be met and
24 explain, in writing, the reason(s) for delay(s).
- 25
- 26 9. The Water System shall reimburse the Department, in accordance with an
27 invoice that shall be provided to the Water System, the costs for enforcement

1 activities, and such reimbursement shall be made prior to September 1 (or by a
2 different date if specified by the Department) of the fiscal year following the
3 fiscal year in which such costs are incurred as described in CHSC Section
4 116577(a)(1-2) and 116577(b).

5
6 10. Any document requested by the citation shall be submitted to the following
7 address:

8 Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer
9 Department of Public Health
10 Southern California Branch
11 Drinking Water Field Operations
12 4925 Commerce Drive, Suite 120
13 Bakersfield, CA 93309

14 Phone: (661) 335-7315
15 Fax: (661) 335-7318

16 FURTHER ENFORCEMENT ACTIONS

17 Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the
18 Department to: issue additional citations with assessment of penalties if the public
19 water system continues to fail to correct a violation identified in a citation; take action
20 to suspend or revoke a permit that has been issued to a public water system if the
21 system has violated applicable law or regulations or has failed to comply with orders
22 of the Department; and petition the superior court to take various enforcement
23 measures against a public water system that has failed to comply with orders of the
24 Department. The Department does not waive any further enforcement action by
25 issuance of this citation.
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PARTIES BOUND

This citation shall apply to and be binding upon Four Twenty Club Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

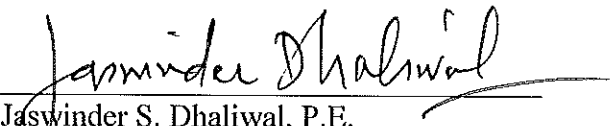
The directives of this citation are severable, and Four Twenty Club Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTY

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred dollars) for each day that the violation continues beyond the date set for correction in this Citation.

The Department does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

July 18, 2013
Date


Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments

Attachment A: Bacteriological Summary January 2013 through May 2013

Attachment B: Public Notice Template

Attachment C: Proof of Notification form

cc: Kern County Environmental Health Services Department (w/o attachments)
McMor Chlorination, Inc. (via email)

JSD/dic

Attachment A

Four Twenty 420 Club

1503392

Distribution System Freq: 1/Q

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>CI2</i>	<i>Violation</i>	<i>Comment</i>
1/18/2013	9:00	Kitchen (SF)	A	A		Routine			
4/19/2013	10:10	Kitchen (SF)	P	A		Routine			
4/24/2013	15:04	Kitchen Sink	A	A		Repeat			
4/24/2013	15:08	Men's Restroom	A	A		Repeat			
4/24/2013	15:08	Shooting Range	A	A		Repeat			
5/13/2013	8:40	Kitchen (SF)	P	A		Routine		MCL	Cit #03-19-13C-040 Issued
5/13/2013	8:50	Men's Restroom	P	A		Routine		GWR	Cit #03-19-13C-040 Issued
5/13/2013	9:00	Women's Restroo	A	A		Routine			
5/13/2013	9:05	Bar Area (SF)	A	A		Routine			
5/13/2013	9:20	Off Pressure Tank	A	A		Routine			
5/14/2013	10:20	Kitchen Sink	A	A		Repeat			
5/14/2013	10:26	Front HB Rec Hall	A	A		Repeat			
5/14/2013	10:26	Restroom Sink	A	A		Repeat			
5/14/2013	10:37	Outside Bar	A	A		Repeat			
5/14/2013	10:40	Range HB	A	A		Repeat			
6/1/2013		No 5 Routine Sam						MR4	Cit #03-19-13C-040 Issued

Four Twenty 420 Club

1503392

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
4/24/2013	15:20	Well Discharge	<1.1	<1.1			

Attachment B

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

**Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.**

Four Twenty 420 Club Water System

Our water system recently violated monthly monitoring and reporting requirements for the primary drinking water standard for total coliform bacteria. The Four Twenty Club Water System failed to conduct the required bacteriological monitoring during the month of June 2013 and as a result may not have met the drinking water quality standards specified in the California Domestic Water Quality and Monitoring Regulations. Laboratory results of analysis of bacteriological water samples were not reported to the California Department of Public Health (Department) as required for the above-cited month.

What does this mean?

The Department establishes water quality monitoring and reporting requirements to determine that the drinking water served by public water systems is free of harmful bacteria. When a water system fails to conduct the required monitoring, there is no assurance that the water is free of harmful bacteria.

Coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present.*

What happened? What is being done?

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever coliform bacteria are detected in any sample, follow-up testing is done to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. These are the bacteria that would have been detected, if present, by the required monitoring. The Department has set an enforceable drinking water quality-monitoring requirement, based on population served, to reduce the risk of adverse health effects by detecting the presence of these organisms. Systems that collect fewer than the required number of samples each month/quarter are in violation of this requirement.

During May 2013, two (2) routine bacteriological samples from the distribution system tested positive for total coliform bacteria. Therefore, the Water System was required to collect five (5) routine bacteriological samples in June 2013. We failed to collect five (5) bacteriological samples during June 2013. However, the next bacteriological sample is scheduled to be collected during July 2013.

For more information, please contact Tim Halbwachs with Four Twenty Club Water System at (661) 699-8454 or California Department of Public Health, Tehachapi District at (661) 335-7315.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly.

This notice is being sent to you by the Four Twenty Club Water System in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

Dated: _____

Tim Halbwachs, Board Member
Four Twenty Club Water System - 1503392

Attachment C

PROOF OF NOTIFICATION
(Return with a copy of the Public Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Four Twenty 420 Club Water System** of the failure to collect five (5) bacteriological samples for the month of **June 2013** as directed by the Department.

Notification was made on _____
(date)

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

☐ The notice was distributed by mail or direct delivery to each customer served by the water system. Specify other direct delivery method(s) used: _____

At least one or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery (renters, nursing home patients, prison inmates, etc.):

☐ Posted the notice at the following conspicuous locations served by the water system (if needed, please attach a list of locations). _____

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www. _____

☐ Other method used to notify customers. _____

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Certified by Name and Title: _____

Date: _____ Signature: _____

Due to the CA Dept. of Public Health within 10 days of notification to the public, and no later than Aug. 10, 2013
Enforcement Action No.: 03-19-13C-040